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File No. Local Bds II
Legal Department-52 (N)

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Subject:— Notifications under the Bombay Local Boards Act 1923.

File No. Local Bds II/52 (N)

Gen. 194 e.

397-B

Legal Department.

In place of the Local Self Government and Public Health Department draft notifications two revised draft notifications are sent herewith.

2 The proposed draft notification may be embodied in the general notice as in the revised draft supplied herewith. Section 3A(5) of the Bombay Local Boards Act, 1923, inter alia provides that every notification issued under clause (i) of sub-section (3) shall contain a statement of reasons therefore and shall be laid before both the Houses of the State Legislature. The Local Self Government and Public Health Department may accordingly attach a suitable statement of reasons to the draft notification. That Department will no doubt cause the final notification issued in this behalf to be laid before both the Houses of the Bombay Legislature. The final notification will no doubt be issued after the date fixed for calling objections.

3 As regards the draft notification to be issued under section 3A(6) of the said Act it is pointed out that in view of the provisions of section 3 of the Bombay Commissioner (Abolition of Office) Act, 1950, the reference to the commissioner in the draft notification is not now necessary. As regards the other officers referred to in sub-section (6) of section 3A it will be necessary to specifically mention

them in the proposed draft notification. The Local Self Government and Public Health Department may therefore specify such officers in the second draft notification.

Id./..... 9/9

Additional Deputy Secretary to Government.

U.R. to L.S.G.& P.H.D., No. 14659/B, dated the 9th September 1952.

SMR 3-7-56
4 Copies.

Legal Department.

The High Court has held that the rules made by the District Local Board, Ratnagiri, regarding octroi were ultra vires and that it was not competent to the District Local Board to levy octroi on goods entering from the municipal limits in the same district. Under the proposed notification the said municipal limits are being excluded from the District Local Board area. The effect of the notification would be that the District Local Board, Ratnagiri, would be entitled to levy and collect octroi on goods imported from the municipal areas. But so long as this notification has not been finally published it would be improper for the District Local Board to continue to levy any octroi in view of the High Court judgment. All such levy would be illegal and will have to be refunded to the parties.

Id./..... 19/9

Additional Deputy Secretary to Govt.

U.R. to L.S.G.& P.H.D., No. 15433/B dated the 19th September 1952.

SMR 3-7-56
4 Copies.